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EXAMINER

ORR, HENRY W

ART UNIT

PAPER NUMBER

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/813,788

Applicant(s)

TODOROVA ET AL.

Examiner

Henry Orr

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/23/2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to applicant's amendment dated 4/23/2007.
2. Claims 1-32 are pending in the case.
3. Claims 1, 11, 21 and 27 are independent claims.

Applicant's Response

4. In Applicant's response dated 4/23/2007, applicant has amended the following:
 - a) Drawings
 - b) Specification
 - c) Claims 1, 3, 8, 9, 11, 14, 17, 18-22, 26-28 and 31

Based on Applicant's amendments and remarks, the following objections and rejections previously set forth in Office Action dated 1/25/2007 are withdrawn:

- a) Objection to Drawings
- b) Objection to Specification
- c) 112 2nd 35 U.S.C. Rejection to claims 3-10, 14, 17, 18-20, 22-26 and 28-32

Claim Objections

5. **Claims 27-32 are objected to because of the following informalities:**

Claim 27:

Claim 27 recites "***electronically*** accessible medium", which appears to be an inconsistent term not supported in the specification.

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Claim 28-32:

Dependent claims 28-32 are objected for fully incorporating the deficiency of base claim 27.

Appropriate corrections are required.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. **Claims 11-20 and 21-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claims raises a question as to whether the claims are directed merely to abstract ideas that are not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. See MPEP § 2106**

Claim 11:

Claim 11 recites a **“monitoring system graphical user interface”** comprising a **“hierarchical tree structure”**. The recited **“hierarchical tree structure”** merely describes the layout of the monitoring system graphical user interface. Thus, the recited

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“monitoring system graphical user interface” is comprised merely of computer software and is not a process, a machine, a manufacture or a composition of matter.

Accordingly, the claim fails to recite statutory subject matter as defined in 35 U.S.C. § 101.

Claims 12-20:

Dependent claims 12-20 are rejected for fully incorporating the deficiencies of base claim 11.

Claim 21:

Claim 21 recites a **“system”**, and the **“means for”** language is interpreted to include a **“monitoring system graphical user interface”** from the specification. Thus, the recited **“monitoring system graphical user interface”** is comprised merely of computer software and is not a process, a machine, a manufacture or a composition of matter.

Accordingly, the claim fails to recite statutory subject matter as defined in 35 U.S.C. § 101.

Claims 22-26:

Dependent claims 22-26 are rejected for fully incorporating the deficiencies of base claim 21.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1-5, 7, 11-14, 21-24 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanchett, U.S. Patent No. 6,834,301 B1, in view of Melillo, U.S. Publication No. 2004/0003122 A1.**

Claim 1:

Hanchett teaches *"The management console 106 may display various retrieved data in a display. For example, the management console 106 may display details of the hierarchical network directory tree. The management console 106 alternatively or additionally enable the network administrator to select a node such as an end node and display applications under management for the selected node"* (see col. 4 lines 32-44). **(claim 1; i.e., displaying a hierarchical tree structure having one or more selectable tree nodes in a graphical user interface, each of the one or more tree nodes representing a resource of an application server; receiving a first indication that the monitor service tree node is selected; and displaying a monitor tree in the graphical user interface, the displayed monitor tree having one or more selectable monitor tree nodes,)** Examiner interprets the management console to be a graphical user interface and the hierarchical network directory tree to have a hierarchical tree structure representing resources such as applications and devices.

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Hanchett further teaches *"The end node 104, in conjunction with the directory server 102, may monitor and record systems properties"* (see col. 4 lines 16-20). **(claim 1; i.e., wherein at least one of the tree nodes is a monitor service tree node, the monitor service tree node representing a monitor service of the application server;)** Examiner interprets the end node to be a monitor service tree node because the end node monitors systems properties.

Hanchett fails to expressly teach a managed bean.

However, Melillo teaches *"the Mbean wraps the non-Mbean making possible its management in the JMX architecture"* (see abstract). **(claim 1; i.e., wherein each of the one or more monitor tree nodes includes a monitor managed bean and an associated resource.)**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to create the non-complaint Mbean application resource as taught by Hanchett into a managed bean with the Mbean wrapper and to use the JMX adapter as taught by Melillo to enable the management console as taught by Hanchett to display the converted managed bean in a JMX architecture to provide the benefit of managing objects representing different types of resources. (see Hanchett; col. 11 lines 54-57) (see Melillo; par. 2, par. 106-107)

Claim 2:

Hanchett fails to expressly teach a status indicator.

However, Melillo teaches *"In a management framework each resource is instrumented to enable access to corresponding information relating to the resource (such as data, events and status)"* (see par. 18). **(claim 2; i.e., wherein each displayed monitor tree node provides a status indicator to provide a current status of a monitored resource.)**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to create the non-complaint Mbean application resource as taught by Hanchett into a managed bean with the Mbean wrapper and to use the JMX adapter as taught by Melillo to enable the management console as taught by Hanchett to display the status of the converted managed bean in a management framework to provide the benefit of managing several kinds of resources such as stand-alone programs, client-server applications, Internet-based services, hardware devices, and the like. (see Hanchett; col. 11 lines 54-57) (see Melillo; par. 2, par. 18, par. 106-107)

Claim 3:

Hanchett teaches *"The management console 106 alternatively or additionally enable the network administrator to select a node such as an end node and display applications under management for the selected node etc... Any modifications to the control data may be made via the management console 106"* (see col. 4 lines 35-44). **(claim 3; i.e., receiving an second indication that one of the one or more monitor tree nodes is selected; and configuring the selected monitor tree node with the graphical user interface.)** Examiner interprets the administrator selecting end node as

an indication that a monitor tree end node is selected. Modifying the control data of the end node is interpreted as configuring the data of the selected monitor tree node.

Claim 4:

Hanchett teaches *"Periodic timed updates performs checks to ensure that the data has not become stale"* (see col. 11 lines 19-20). **(claim 4; i.e., setting a monitoring period for the selected monitor tree node.)** Examiner interprets the periodic timed updates of checking the policy data for the application represented by the selected end node to be a way of setting a monitoring period of the selected monitor tree node because checking periodically is another way of monitoring for a period.

Claim 5:

Hanchett teaches *"Event data, such as "Virus Found" and "File Cleaned," may be sent by the agent of the node from the application under management"* (see col. 8 lines 45-51). **(claim 5; i.e., configuring the selected monitor tree node to provide an alarm if a resource associated with the selected monitor tree node malfunctions.)** Examiner interprets the event data "Virus Found" as a type of alarm for a malfunctioned resource.

Claim 7:

Hanchett teaches *"Event data, such as "Virus Found" and "File Cleaned," may be sent by the agent of the node from the application under management to the directory*

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server 102 for storage. The end node 104 collects and stores the event data and sends the stored event data to the directory server 102 via the network 110" (see col. 8 lines 45-51). **(claim 7; i.e., configuring the selected monitor tree node to push monitor data from a resource associated with the selected monitor tree node to the selected monitor tree node.)** Examiner interprets the application under management as a resource pushing event data to the agent of the end node. The selectable end node is configurable by the management console.

Claims 11 and 12:

Claims 11 and 12 are directed towards system claims and are substantially encompassed in method claim 1; therefore the system claims are rejected under the same rationale as method claim 1 above. In respect to the graphical user interface, cursor control device and the Java Management extensions (JMX) of system claims 11 and 12, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure the Management Console and mouse device as taught by Hanchett and the Java Management extensions (JMX) based architecture as taught by Melillo to perform the limitations of system claims 11 and 12 as further explained in the rationale of method claim 1 above. (see Hanchett Figure 4; mouse ref. #1011)

Claim 13:

Claim 13 is directed towards a system claim and is substantially encompassed in method claim 3; therefore the system claim is rejected under the same rationale as

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method claim 3 above. In respect to the cursor control device and the window pane of system claim 13, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure the Management Console and the mouse device as taught by Hanchett to perform the limitations of system claim 13 as further explained in the rationale of method claim 3 above. Examiner considers the Management Console to be a window based graphical user interface, therefore it is inherent for the information to be displayed in a windowpane. (see Hanchett Figure 4; mouse ref. #1011)

Claim 14:

Hanchett teaches *"a network directory defining a hierarchical tree structure containing nodes, each node corresponding to a device of the network of devices"* (see col. 2 lines 50-55). **(claim 14; i.e., wherein the displayed information includes at least one of a name of the selected monitor tree node, a description of the selected monitor tree node, a monitor type for the selected monitor tree node, and monitor data.)** Examiner interprets the node corresponding to a device to be displayed as a device monitor type tree node.

Claim 21:

Claim 21 is directed towards a system claim and is substantially encompassed in method claim 1; therefore the system claim is rejected under the same rationale as method claim 1 above.

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Claim 22:

Claim 22 is directed towards a system claim and is substantially encompassed in method claim 3; therefore the system claim is rejected under the same rationale as method claim 3 above.

Claim 23:

Claim 23 is directed towards a system claim and is substantially encompassed in method claim 4; therefore the system claim is rejected under the same rationale as method claim 4 above.

Claim 24:

Claim 24 is directed towards a system claim and is substantially encompassed in method claim 5; therefore the system claim is rejected under the same rationale as method claim 5 above.

Claims 27-30:

Claims 27, 28, 29 and 30 are directed towards manufacture claims and are substantially encompassed in method claims 1, 3, 4 and 5 respectfully; therefore the manufacture claims are rejected under the same rationale as method claims 1, 3, 4 and 5 above.

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10. **Claims 6, 8-10, 15-20, 25, 26, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanchett, in view of Melillo as cited and applied to claim 1 above, in further view of Kekic et al. (hereafter referred to as Kekic), U.S. Patent # 6,664,978 B1.**

Claim 6:

Neither Hanchett nor Melillo expressly teach to poll monitor data from a resource.

However, Kekic teaches *"polling events are proactive requests made by management station 110 to elicit information from the agent. A common network management technique called "trap directed polling" is for the management station to wait for a trap event and then poll for more information regarding that event"* (see col. 4 lines 18-26, col. 38 lines 18-56). **(claim 6; i.e., configuring the selected monitor tree node to poll monitor data from a resource associated with the selected monitor tree node.)** Examiner interprets the graphical interface in Kekic's Figure 19B as a configuration means to poll monitor data from a resource.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to create the non-complaint Mbean application resource as taught by Hanchett into a managed bean with the Mbean wrapper and to use the JMX adapter as taught by Melillo to enable the management console as taught by Hanchett to configure a polling event to poll monitor data from a resource as taught by Kekic to provide the benefit of managing objects representing different types of resources while minimizing the impact of managed objects and network bandwidth (see Hanchett; col. 11 lines 54-57) (see Melillo; par. 2, par. 18, par. 106-107) (see Kekic; col. 4 lines 18-26).

Claim 8:

Neither Hanchett nor Melillo expressly teach setting a threshold value.

However, Kekic teaches *"With client 391, the administrator can set up a set of rules within event rules 412 which say that the first time the threshold is passed, the port is put in the warning state and the polling rate is increased. If the port remains over the threshold for the rest of the minute, the port is put in the alarm state and an alarm is triggered"* (col. 18 lines 46-55, Figure 24). **(claim 8; i.e., setting a threshold value for the selected monitor tree node, wherein the selected monitor tree node is to provide a third indication if the threshold value is detected.)** Examiner interprets the threshold condition to contain a threshold value as shown in Kekic's Figure 24.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to create the non-complaint Mbean application resource as taught by Hanchett into a managed bean with the Mbean wrapper and to use the JMX adapter as taught by Melillo to enable the management console as taught by Hanchett to configure a threshold condition which contains a threshold value as taught by Kekic to provide the benefit of saving the user from having to manually trigger alarms such as "Virus Found" for the different types of managed objects. Thus, setting the threshold condition would dramatically reduce the time and complexity of managing a computer network (see Hanchett; col. 11 lines 54-57) (see Melillo; par. 2, par. 18, par. 106-107) (see Kekic; col. 18 lines 56-63).

Claim 9:

Hanchett teaches selectable end nodes (see col. 4 lines 32-44). **(claim 9; i.e., receiving a fourth indication that one of the one or more monitor tree node is selected;)**

Neither Hanchett nor Melillo expressly teach displaying a history of monitor data. However, Kekic teaches *"When the user activates button Alarms 312B, an alarm history log of all managed computer network elements in network 300 is displayed in work area 603"* (see col. 22 lines 29-32). **(claim 9; i.e., displaying a history of monitor data collected by the selected monitor tree node.)** Examiner interprets the displayed alarm history log as displaying a history of monitor data collected.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to create the non-complaint Mbean application resource as taught by Hanchett into a managed bean with the Mbean wrapper and to use the JMX adapter as taught by Melillo to enable the management console as taught by Hanchett to display the alarm history log as taught by Kekic to provide the benefit of viewing the detailed history of the triggered alarms such as "Virus Found" for the different types of managed objects. Thus, displaying a history of the alarm log in a graphical interface such as the management console would dramatically reduce the time and complexity of managing a computer network (see Hanchett; col. 11 lines 54-57) (see Melillo; par. 2, par. 18, par. 106-107) (see Kekic; Figure 31, col. 18 lines 56-63).

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Claim 10:

Neither Hanchett nor Melillo expressly teach displaying a table of monitor data.

However, Kekic teaches *"Column: Date & Time and Description: Day and Time when the alarm occurred"* (see col. 48 Table 7). **(claim 10; i.e., displaying a table of monitor data, the displayed table including a time column to display a time when an item of monitor data is collected and one or more columns of monitor data.)**

Examiner interprets the table shown in Kekic's Figure 31 to have a time column and additional columns of monitor data.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to create the non-complaint Mbean application resource as taught by Hanchett into a managed bean with the Mbean wrapper and to use the JMX adapter as taught by Melillo to enable the management console as taught by Hanchett to display the alarm history log the includes a time column as taught by Kekic to provide the benefit of viewing the detailed history of the triggered alarms such as "Virus Found" for the different types of managed objects. Thus, displaying a time column in the history of the alarm log in a graphical interface such as the management console would dramatically reduce the time and complexity of managing a computer network due to the accuracy of the history log. (see Hanchett; col. 11 lines 54-57) (see Melillo; par. 2, par. 18, par. 106-107) (see Kekic; Figure 31, col. 48 Table 7).

Claim 15:

Hanchett does teach selectable nodes that the network administrator can configure with the management console (see col. 4 lines 32-44). **(claim 15; i.e., a configuration command; and wherein as the cursor control device selects the configuration command)**

Neither Hanchett nor Melillo expressly teach a configuration pop-up window appearing in response to a selecting a configuration command.

However, Kekic teaches *"Using panel 900 and in particular command buttons 903, the user can add an element manager, edit an existing element manager, copy an element manager, remove an element manager, or export an element manager etc...Upon activating button Add 903A, wizard panel 910 (FIG. 9B) is presented in work area 603"* (see col.29 lines 11-24). **(claim 15; a monitor tree node configuration pop-up window appears.)** Examiner interprets the wizard panel 910 as a pop up window that appears when the configuration command 903A is selected by the cursor as shown in Kekic's Figures 9A and 9B. The wizard panel 910 is used to build a element manager and to configure the network element that is interpreted to represent a monitoring tree node as illustrated in Kekic's Figures 6A-C, 12A, 14A, and 14B.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to create the non-complaint Mbean application resource as taught by Hanchett into a managed bean with the Mbean wrapper and to use the JMX adapter as taught by Melillo to enable the management console as taught by Hanchett to display a configuration wizard panel as taught by Kekic to provide the benefit of reducing the

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complexity of managing and configuring objects representing different types of resources in a computer network. (see Hanchett; col. 11 lines 54-57) (see Melillo; par. 2, par. 106-107) (see Kekic; col. 5 lines 2-7)

Claim 16:

Neither Hanchett nor Melillo expressly teach a configuration pop-up window.

However, Kekic's Figure 14A and 14B displays a pop up configuration wizard panel that contains a drop down window and a check box that are selectable via the cursor control device. **(claim 16; i.e., wherein the configuration pop-up window provides one or more monitor tree node configuration options, the one or more monitor tree node configuration options selectable via the cursor control device.)**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to create the non-complaint Mbean application resource as taught by Hanchett into a managed bean with the Mbean wrapper and to use the JMX adapter as taught by Melillo to enable the management console as taught by Hanchett to display a pop up configuration wizard panel as taught by Kekic to provide the benefit of reducing the complexity of managing and configuring objects representing different types of resources in a computer network. (see Hanchett; col. 11 lines 54-57) (see Melillo; par. 2, par. 106-107) (see Kekic; col. 5 lines 2-7)

Claim 17:

Neither Hanchett nor Melillo expressly teach configuration options.

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However, Kekic's Figures 24 and 26 illustrates the configuration pop up wizard panel to have a resource malfunction response indicator and a threshold value field, respectfully. **(claim 17; i.e., wherein the one or more monitor tree node configuration options include at least one of a monitoring period field to receive a value specifying a monitoring period, a resource malfunction response indicator to specify a response of the selected monitor tree node, if a resource malfunctions, a data collection indicator to indicate whether monitor data is to be pushed from the resource, and a threshold value field to receive a threshold value for specifying a threshold of the resource.)** Examiner interprets the value field under Frequency in Kekic's Figure 24 and **"the possible solution"** field in Kekic's Figure 26 and as the resource malfunction response indicator and threshold value field, respectfully.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to create the non-complaint Mbean application resource as taught by Hanchett into a managed bean with the Mbean wrapper and to use the JMX adapter as taught by Melillo to enable the management console as taught by Hanchett to display a pop up configuration wizard panel as taught by Kekic to provide the benefit of reducing the complexity of managing and configuring objects representing different types of resources in a computer network (see Hanchett; col. 11 lines 54-57) (see Melillo; par. 2, par. 106-107) (seeKekic; col. 5 lines 2-7).

Claim 18:

Neither Hanchett nor Melillo expressly teach displaying a history of monitor data.

However, Kekic teaches *"The user can determine why the alarms button was activated by reviewing an alarm log that is presented in the graphic user interface upon the user activating the alarms button"* (see col. 6 lines 3-6). **(claim 18; i.e., a monitor data history command; and wherein in response to a selection of the monitor data history command, a monitor data history pop-up window appears, the monitor data history pop-up window to provide a history of monitor data collected by the selected monitor tree node.)** Examiner interprets the alarm button in Kekic's Figure 3B and the alarm log history in Figure 31 as the monitor data history command and the corresponding monitor data history pop-up window, respectfully.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to create the non-complaint Mbean application resource as taught by Hanchett into a managed bean with the Mbean wrapper and to use the JMX adapter as taught by Melillo to enable the management console as taught by Hanchett to display the alarm history log with the alarm button as taught by Kekic to provide the benefit of viewing the detailed history of the triggered alarms such as "Virus Found" for the different types of managed objects. Thus, displaying a history of the alarm log in a graphical interface such as the management console would dramatically reduce the time and complexity of managing a computer network (see Hanchett; col. 11 lines 54-57) (see Melillo; par. 2, par. 18, par. 106-107) (see Kekic; Figure 31, col. 18 lines 56-63).

Claims 19-20:

Claims 19 and 20 are directed towards system claims and are substantially encompassed in method claim 10; therefore the system claims are rejected under the same rationale as method claim 10 above. In respect to the monitor data history pop-up window providing a table as recited system claims 19 and 20, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the table illustrated in Kekic's Figure 31 to perform the limitations of system claims 19 and 20 as further explained in the rationale of method claim 10 above.

Claim 25:

Claim 25 is directed towards a system claim and is substantially encompassed in method claim 6; therefore the system claim is rejected under the same rationale as method claim 6 above. Claim 25 invokes the sixth paragraph of 35 U.S.C. 112, therefore the corresponding structure element for performing the means for configuring as recited in claim 25 is the management console illustrated in Hanchett's Figure 1.

Claim 26:

Claim 26 is directed towards a system claim and is substantially encompassed in method claim 8; therefore the system claim is rejected under the same rationale as method claim 8 above.

Claims 31 and 32:

Claims 31 and 32 are directed towards manufacture claims and are substantially encompassed in method claims 9 and 10 respectfully; therefore the manufacture claims are rejected under the same rationale as method claims 9 and 10 above. In respect to the computer program of manufacture claims 31 and 32, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the computer program product as taught by Hanchett to perform the limitations of manufacture claims 31 and 32 as further explained in the rationale of method claims 9 and 10 above (see Hanchett col. 2 lines 44-59).

Response to Arguments

11. Applicant's arguments filed 4/23/2007 have been fully considered but they are not persuasive.

Rejections under 35 U.S.C. 101:

In respect to claims 11-20, Applicant argues that the claimed monitoring system graphical user interface is at least a manufacture, for the purposes of M.P.E.P 2106 (see Applicant Response p. 15, 6th paragraph).

Examiner disagrees.

To be a manufacture within the context of 35 U.S.C. 101, the claimed monitoring system graphical user interface must be more than just a program per se. The monitoring system graphical user interface must at least include the underlying hardware to establish it as a tangible, physical article or object.

Claim 11 merely recites the monitoring system graphical user interface in terms of functional language and does not positively recite any computer-readable medium. Functional descriptive material, per se, is non-statutory as not being recorded on an appropriate computer readable medium so as to be structurally and functionally interrelated to the medium and permit the function of the descriptive material to be realized. Accordingly, the 35 U.S.C. 101 rejections are proper.

Rejections under 35 U.S.C. 103(a):

In respect to independent claims 1, 11, 21 and 27, Applicant argues that Hanchett and Melillo fails to teach or suggest displaying a hierarchical tree structure having one or more selectable tree nodes in a graphical user interface, each of the one or more tree nodes representing a resource of an application server. Similarly, applicant argues that Hanchett describes a hierarchical network directory tree having nodes that **only** represent network devices and that Hanchett fails to disclose any type of hierarchical tree structure having one or more tree nodes representing a resource of an application server (see Applicant Response p. 18 2nd and 3rd full paragraph).

Examiner disagrees.

Hanchett teaches a network administrator selecting an end node and displaying applications under management for that selected end node. Examples of applications under management by the network management system may include virus scanning software or other software product (see Hanchett col. 4 lines 32-52). Therefore, the nodes of the network directory tree do not **only** represent network devices. The nodes

may be applications, which serves as a **resource** of a directory server ("database **application server**"). Information from the application is sent to the directory server, therefore the application is a resource of a directory server (see col. 4 lines 45-49). The directory server is interpreted as an application server because the directory server runs a database application for client devices to store information (see col. 4 lines 45-52, Figure 1)

Applicant also argues that Hanchett fails to disclose displaying the resources of such an application server in a hierarchical network directory tree (see Applicant Response p. 19 lines 2-4).

Examiner disagrees.

Hanchett teaches displaying applications ("resources of an application server") represented by the end nodes by selecting the end nodes of the hierarchical network directory tree (see col. 4 lines 35-44).

Conclusion

12. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry Orr whose telephone number is (571) 270 1308. The examiner can normally be reached on Monday thru Friday 8 to 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

6/25/2007
HO



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